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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,993	05/09/2001	Paul Estridge JR.		3491

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EXAMINER	
VIG, NARESH	

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/850,993	ESTRIDGE, PAUL	
	Examiner	Art Unit	
	Naresh Vig	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2005*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-70* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-70* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

This is in reference to response received on 09 December 2005. There are 70 claims, claims 1 – 70 pending for examination.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1 – 11, 20 – 32, 44 – 51, 52 and 52, drawn to a process for developing real estate by separating private easements for the provision of common services in a developed community from dedicated public rights-of-way; dedicates public rights-of-way to a municipality (government franchisee ??); precludes access to said private easements by individual lot owners in said developed community for providing common service; establishing one or more decision making authorities to control said private easements, said decision making authorities obtaining common services from one or more common services providers, classified in class 705, subclass 1.

II. Claims 1, 12 – 19 and 43, drawn to a process for developing real estate by adding limitation of owner to enter into and maintain license agreements providing a competitive shield for establishing licensees as preferred

sources of common services for a community separating private easements for the provision of common services in a developed community from dedicated public rights-of-way; precluding access to said private easements by individual lot owners in said developed community for providing common service; establishing one or more decision making authorities to control said private easements, said decision making authorities obtaining common services from one or more common services providers, classified in class 705, subclass 1.

III. Claims 1, 33 – 41 and 53 – 56, drawn to a process for developing real estate by separating private easements for the provision of common services in a developed community from dedicated public rights-of-way; precluding access to said private easements by individual lot owners in said developed community for providing common service; establishing one or more decision making authorities to control said private easements, said decision making authorities obtaining common services from one or more common services providers, and, transfers easements to a privately held company, classified in class 705, subclass 1.

IV. Claims 57, 58 and 60, drawn to a recordable real estate plat comprising individual lots to be sold to residents of a developed community, common areas to be conveyed to a lot owners association, public rights-of-way for

roadways, curbs, and sidewalks to be held by a municipality, and common services easements and other easements to be held by a legally recognized privately held legal access entity for the provision of common services to said developed community; wherein easements include common services easements or easement areas, classified in class 705, subclass 1.

The inventions are distinct, each from the other because of the following reasons:

Invention I – III are drawn to drawn to a process for developing real estate by separating private easements for the provision of common services in a developed community from dedicated public rights-of-way whereas Invention IV is drawn to drawn to a recordable real estate plat.

Because these inventions are distinct for the reasons given above and the search required for either Group is not required for other Groups, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

This application contains claims directed to the following patentably distinct species: The species are distinct because:

Claims 1 and 65 precludes government franchisees from providing common services, and, dedicates public rights-of-way to a municipality, does not have limitation of owner to enter into and maintain license agreements providing a competitive shield for establishing licensees as preferred sources of common services for a community; does not transfers easements to a privately held company; and, has limitation of right to establish infrastructure for common services (authority providing their own service).

Claims 1 and 66 precludes government franchisees from providing common services, and, dedicates public rights-of-way to a municipality, does not have limitation of owner to enter into and maintain license agreements providing a competitive shield for establishing licensees as preferred sources of common services for a community; does not transfers easements to a privately held company; and, has limitation of right to contract with providers of common services (outsourcing).

Claims 1 and 68 precludes government franchisees from providing common services, and, dedicates public rights-of-way to a municipality, does not have limitation of owner to enter into and maintain license agreements providing a competitive shield for establishing licensees as preferred sources of common services for a community; does not transfers easements to a privately held company; and selection of services is from group consisting of cable services, internet services, intranet services, local telephone services, long distance telephone services, video-on-demand services, and security monitoring services.

Claims 1 and 69 precludes government franchisees from providing common services, and, dedicates public rights-of-way to a municipality, does not have limitation

of owner to enter into and maintain license agreements providing a competitive shield for establishing licensees as preferred sources of common services for a community; does not transfers easements to a privately held company; and one or more services selected from a group of deregulated utility services consisting of: sewer services, water services, gas services, and electricity services.

Claims 1 and 70 precludes government franchisees from providing common services, and, dedicates public rights-of-way to a municipality, does not have limitation of owner to enter into and maintain license agreements providing a competitive shield for establishing licensees as preferred sources of common services for a community; does not transfers easements to a privately held company; and each step is performed pursuant to obligations arising out of a system of interrelated contractual requirements regarding the development of said community.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Naresh Vig
Examiner
Art Unit 3629

March 2, 2006